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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/643,306	08/18/2003	Graeme John Proudler	B-5202 621167-5	4171

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HEWLETT-PACKARD COMPANY
Intellectual Property Administration
P.O. Box 272400
Fort Collins, CO 80527-2400

EXAMINER

DADA, BEEMNET W

ART UNIT	PAPER NUMBER
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2135

MAIL DATE	DELIVERY MODE
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10/19/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/643,306

Applicant(s)

PROUDLER, GRAEME JOHN

Examiner

Beemnet W. Dada

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 August 2007.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-44 and 46-50 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-44 and 46-50 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>8/10/07</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This office action is in reply to an amendment filed on 07/23/07. Claims 1, 33, 40, 43, 44, 46 and 49 have been amended, claim 45 has been canceled and new claim 50 has been added. Claims 1-44 and 46-50 are pending.

Response to Arguments

2. Applicant's arguments, with respect to 35 USC 101 rejections of claims 1-32, 43 and 49 have been fully considered. The 35 USC 101 rejections of claims 1-32, 43 and 49 have been withdrawn in view of the amendment to the claims.

3. Applicant's arguments with respect to claims 1-43 and 49-50 with respect to the newly added limitations have been considered but are moot in view of the new ground(s) of rejection.

4. Applicant's arguments with respect 35 USC 102(e) rejection of claim 46 have been fully considered but they are not persuasive. Applicant argued that Raley's usage rules appear to be related to the identity of the user rather than based on a measurement of integrity of a computing entity to which the data items are to be made available. Examiner disagrees.

Raley teaches a method of controlling the processing of data, wherein the data comprises a plurality of usage rules for a plurality of data items (i.e., plurality of usage rights applied to Documents 222, see figure 2 and page 4, paragraph 0050), and applying individualized usage rules to each of the data items based on a measurement of integrity of a computing entity to which the data items are to be made available (i.e., based on verification of the integrity of the environment of the client 230, see figure 2, page 4, paragraph 0052-page 5, paragraph 0054 and pages 11-12 claim 1).

5. Applicant's arguments with respect 35 USC 102(e) rejection of claim 44 have been fully considered but they are not persuasive. Applicant argued that, the examiner reads the limitation 'private data' on Rabin's software but the examiner does not define what in Rabin reads on the limitation 'data field'. Applicant further pointed out that, those skilled in the art understand that the term 'data field' is used refer to a column of data in a database or a field in a form used to collect data, as often seen in web pages. Examiner disagrees.

Examiner would point out that the term 'data field' is a broad term, which is not defined in the specification of the present application. Furthermore, it is noted that the features upon which applicant relies (i.e., 'data field' is used to a column of data in a database of a field in a form used to collect data) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). As indicated below, Rabin teaches a processing system for processing private data (i.e., software) [column 32, lines 25-49], wherein the data comprises a plurality of data fields and each field is associated with customization data that controls usage and propagation of the data (i.e., a tag associated with each instance of software) [column 32, lines 41-53], and wherein the processing system is subservient to usage and propagation constraints imposed by the customization data [column 32, lines 41-53]. Examiner would further point out that the art on record reads on the claim limitations and therefore the rejection is respectfully maintained.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1-43 and 49 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Raley et al. US 2003/0196119 A1 (hereinafter Raley) in view of Ishizaki US 2002/0019934 A1

(hereinafter Ishizaki).

8. As per claims 1, 43 and 50, Raley teaches a method of controlling processing of data in a computer apparatus, wherein the data comprises a plurality of usage rules for a plurality of data items stored by said computer apparatus (i.e., plurality of usage rights applied to Documents 222, see figure 2 and page 4, paragraph 0050), and comprising applying individualized usage rules to each of the data items based on measurement of integrity of a computing entity to which the data items are made available (i.e., based on verification of the integrity of the environment of the client 230, see figure 2, page 4, paragraph 0052-page 5, paragraph 0054 and pages 11-12 claim 1], instantiating the set of the data items at the computing entity depending upon the integrity of the computing entity and the usage rule applicable to each data item in said set [page 4, paragraph 0052-page 5, paragraph 0054]. Raley is silent on said data items being logically grouped together as a set of data items. Within the same field of endeavor, Ishizaki teaches a method of controlling processing of data, including, data items being logically grouped together as a set of data items and controlling processing of the data items [paragraphs 0016, 0018 and 0019]. It could have been obvious to one having ordinary skill in the art at the time of applicant's invention to logically group a set of data items as taught by Ishizaki and employ it within the data items of Raley to achieve the predictable result of grouped based controlling of processing of data.

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9. As per claims 33 and 49, Raley teaches a method of controlling processing of data, wherein the data comprises a plurality of data items, said rule acting to individually define the usage and/or security to be observed when processing each of the data items, the data items having a rule associated therewith (i.e., plurality of usage rights applied to Documents 222, see figure 2 and page 4, paragraph 0050), and in which forwarding of the data items is performed in accordance with mask means (i.e., encryption/decryption) provided in association with the rules [pages 4-5, paragraph 0053]. Raley is silent a set of logically related data items. Within the same field of endeavor, Ishizaki teaches a method of controlling processing of data, including, a set of logically related data items and controlling processing of the data items [paragraphs 0016, 0018 and 0019]. It could have been obvious to one having ordinary skill in the art at the time of applicant's invention to logically group a set of data items as taught by Ishizaki and employ it within the data items of Raley to achieve the predictable result of grouped based controlling of processing of data.

10. As per claims 2-4, Raley further teaches the method in which at least some of the usage rules comprises masking instructions for masking the associated data items [paragraphs 0050 and 0053].

11. As per claim 5, Raley further teaches the method in which the usage rules define security rules for the associated data [paragraphs 0050 and 0053].

12. As per claims 6-8 and 39, Raley further teaches the method in which the data may be transferred between a plurality of computing entities and the instantiation of the data at each

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computing entity depends on the capabilities of that entity [page 4, paragraph 0052-page 5, paragraph 0054].

13. As per claims 9-11, Raley further teaches the method in which a computing entity can reliably and irrevocably deny future access to selected data items [page 4, paragraph 0053].

14. As per claim 12, Raley further teaches the method in which computing entities negotiate with one another concerning the use of the data before the data is made available (i.e., usage rights) [paragraph 0050].

15. As per claims 13, 14 and 40, Raley further teaches the method in which the data has constraints defining conditions for use of the data (i.e., usage rights) [paragraph 0050].

16. As per claims 15-17 and 41, Raley further teaches the method in which the data further includes test data [paragraph 0065].

17. As per claims 18 and 19, Raley further teaches the method in which a node requesting access to the data supplies hostage material to the node issuing the data prior to the issuance of the data [paragraph 0065].

18. As per claims 20-23 and 42, Raley further teaches the method in which a node finding itself in possession of data whose history or content do not meet predetermined requirements, formats the data and places it in a repository [paragraphs 0108-0109].

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19. As per claims 24-27, Raley further teaches the method in which a node wishing to present the data for retrieval places the data in a repository [see figure 2].

20. As per claims 28 and 29, Raley further teaches the method in which constraints associated with the data determine whether the data will process on anything other than a trusted computing platform [paragraph 0050].

21. As per claims 30-32, Raley further teaches the method in which the security contracts are stored separately from the data [paragraph 0050 and figure 2].

22. As per claim 34 Raley further teaches the method in which the mask comprises at least one of a symmetric encryption string, symmetric encryption key, and an asymmetric encryption key [paragraph 0050].

23. As per claim 35, Raley further teaches the method in which the rules associated with the data items are adhered to in preference to data handling rules associated with a computing entity processing the data [paragraphs 0050-0054].

24. As per claims 36-38, Raley further teaches the method in which at least some of the rules comprise masking instructions for masking the associated data items [paragraphs 0050 and 0054].

Claim Rejections - 35 USC § 102

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25. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

25. Claim 44 is rejected under 35 U.S.C. 102(e) as being anticipated by Rabin et al. US 6,697,948 B1 (hereinafter Rabin).

27. As per claim 44, Rabin teaches a processing system for processing private data (i.e., software) [column 32, lines 25-49], wherein the data comprises a plurality of data fields and each field is associated with customization data that controls usage and propagation of the data (i.e., a tag associated with each instance of software) [column 32, lines 41-53], and wherein the processing system is subservient to usage and propagation constraints imposed by the customization data [column 32, lines 41-53].

28. Claim 46-48 are rejected under 35 U.S.C. 102(e) as being anticipated by Raley et al. US 2003/0196119 A1 (hereinafter Raley).

29. As per claim 46, Raley teaches a method of controlling the processing of data, wherein the data comprises a plurality of usage rules for a plurality of data items (i.e., plurality of usage rights applied to Documents 222, see figure 2 and page 4, paragraph 0050), and the method comprising applying individualized usage rules to each of the data items based on a

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measurement of integrity of a computing entity to which the data items are to be made available (i.e., based on verification of the integrity of the environment of the client 230, see figure 2, page 4, paragraph 0052-page 5, paragraph 0054 and pages 11-12 claim 1] in which at least some of the usage rules comprises masking instructions for masking the associated data items [pages 4-5, paragraph 0053].

30. As per claims 47 and 48, Raley further teaches the method in which at least some of the usage rules comprises masking instructions for masking the associated data items [paragraphs 0050 and 0053].

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

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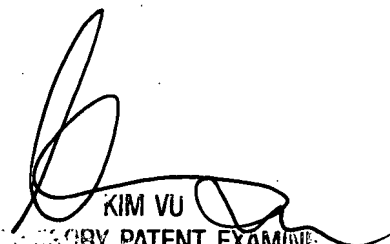
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Beemnet W. Dada whose telephone number is (571) 272-3847. The examiner can normally be reached on Monday - Friday (9:00 am - 5:30 pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Y. Vu can be reached on (571) 272-3859. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Beemnet W Dada

October 13, 2007



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